

E-FILED on 6-8-2006

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ISMART INTERNATIONAL LIMITED, an
India Company,

Plaintiff,

v.

I-DOCSECURE, LLC, a California Limited
Liability Company; E-NETSECURE
SERVICES, INC., a California Corporation;
INTEGRITY DATA APPLICATIONS
CONSULTING, LLC, a California Limited
Liability Company; JOSEPH BAGGIO, an
individual; and JONATHAN BALZORA, an
individual,,

Defendants.

No. C-04-03114 RMW

ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION FOR ORDER
SHORTENING TIME FOR HEARING ON
PLAINTIFF'S MOTION FOR LEAVE TO
AMEND COMPLAINT

[Re Docket Nos. 193, 195]

Plaintiff iSmart International Limited moves for an order shortening time on its pending motion for leave to amend its complaint. Plaintiff seeks to add one new party and several new causes of action. Plaintiff's main justification for an expedited briefing schedule appears to be the facts that the current deadline for disclosure of expert witnesses is June 16 and the close of non-expert discovery is June 28. The defendants oppose the motion but state that they "are willing to discuss modification" of the discovery schedule. Docket no. 195 at 3.

1 If the court grants plaintiff's motion for leave to amend, modification of the current schedule
2 for the case may well be appropriate, but such modification will be moot if the court denies the
3 motion. Any potential prejudice to plaintiff can be cured by modification of the case schedule if
4 warranted; prejudice to the defendants from having little time to respond to plaintiff's motion to
5 amend cannot be easily cured. Plaintiff's motion to move forward the hearing date on its motion to
6 amend is denied.

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10 DATED: 6/8/06



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Joseph Kouri joseph.kouri@sdma.com
4 Marc A. Koonin marc.koonin@sdma.com

5 **Counsel for Defendants:**

6 James Arthur Hughes jah@greenstamps.com
7 Michael N. Edelman michael.edelman@dechert.com
8 Robert T. Sullwold

9 Counsel are responsible for distributing copies of this document to co-counsel that have not
10 registered for e-filing under the court's CM/ECF program.

11 **Dated:** 6-8-2006

/s/ JH
Chambers of Judge Whyte